



JAN 25 2002

Paper No.

#15

In re Application of	:	
Stephen M Meginniss et al	:	<i>SUA SPONTE</i>
Serial No. : 09/316,990	:	RESCISION OF
Filed : May 24, 1999	:	NOTICE OF
For : Apparatus and Method for Treatment of Xerostomia	:	ABANDONMENT

A review of the application reveals that a Notice of Abandonment was mailed to applicant on December 3, 2001 indicating that the application was being abandoned for failure to file a proper response to the Office action mailed April 25, 2001. The abandonment of the application was in error as on October 24, 2001 applicant filed a request for the filing of a Continued Prosecution Application (CPA). Although the request did not specifically request a three-month extension of time, the authorization given in the request for the filing of the CPA to charge any additional fees to Deposit Account No. 07-1900, as well as the authorization given in the Transmittal Letter accompanying the application papers on May 24, 1999 to charge fees under 37 CFR 1.17 will be treated as a constructive petition for a three-month extension of time, which extension is needed in order to make the request for the filing of the CPA timely.

In view of these facts, the abandonment was clearly premature and is hereby rescinded. The application will be forwarded to the Legal Instruments Examiner for the processing of the request for the filing of a CPA filed October 24, 2001. The appropriate fee for a three-month extension of time will be charged to Deposit Account No. 07-1900. Thereafter, the application will be forwarded to the examiner for consideration of the CPA.

Summary: Holding of Abandonment Rescinded.

John E. Kittle, Director
Groups 3730 and 3760
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Adjustment date: 08/08/2002 ETRIPAY: 6
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